IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9257 OF 2003

Union of India, through
General Manager, Central Railway
Mumbai CST. .. Petitioners

V/s

Mushtaq Ahmed Shaikh .. Respondent

Mr.Pandian for the Petitioner.

CORAM: S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

DATE : 6.12.2004.

P.C.:

1. Heard the learned Counsel for the Petitioner. By this Petition, the Petitioner is challenging the order dated 22.10.2003 passed by the learned Central Administrative Tribunal. The Central Administrative Tribunal has given a clear finding that the Respondent was removed from services. The Central Administrative Tribunal has also observed that the principles of natural justice were not observed properly in the sense, the Respondent was not given a fair opportunity of hearing. Under those circumstances Respondent was directed to be reinstated with all the consequential benefits without any interest. Petitioner was also given liberty to initiate fresh enquiry proceedings against the Respondent.

2. The learned Counsel for the Petitioner states that subsequently the Respondent has been reinstated by the

Petitioner and 50% back-wages have also been paid pursuant to the order of this Court dated 6.1.2004. The learned Counsel for the petitioner states that the Petitioner has already initiated fresh enquiry proceedings against the Respondent and that the said enquiry proceedings will be completed within a period of six months from today. Under these circumstances, we are not inclined to interfere with the impugned order dated 22.10.2003 passed by the Central Administrative Tribunal. However, we permit the Petitioner to complete the fresh enquiry as expeditiously as possible, and the same ought to be completed within a period of six months from today. Writ Petition stands disposed of in terms of the above.

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